



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

Issuance Date: **May 18, 2007**

LRH-2007-330-WAB

Stream:

Closing Date: **June 18, 2007**

Grand Lake St. Mary's

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.

APPLICANT: Ohio DNR, Division of Parks & Recreation
1952 Belcher Dr, Bldg C3
Columbus, Ohio 43224

LOCATION: The proposed project is located in Grand Lake St. Mary's near Anderson Island (northwest portion of the Lake) inside Grand Lake St. Mary's State Park near Villa Nova, Mercer County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material in waters of the United States in association with a Dredge Material Relocation Area (DMRA). The applicant proposes to place approximately 152,000 cubic yards of dredged material into 23.5 acres of the Lake. The project purpose is to dispose of dredge material generated in order to foster vessel safety within the Lake. The dredged material would be used to create 23.5 acres of wetland in this location. In order to facilitate the wetland creation and to protect the placed dredged material from erosion, the project would also consist of placing approximately 11,500 cubic yards of broken clean concrete, of which 9,400 cubic yards would be located below the ordinary high water mark of the Lake, to create a berm/dike along the southern boundary of the proposed DMRA. The berm would be created to allow water transfer between the Lake and DMRA to provide hydrology for the proposed wetland. The dredging would occur at eight areas along the northwest shore of the Lake, including Northmore Area, Kozy Marina, Anderson Channel, Sandy Beach Area, Campground Area, Schell Area, Boat Club Channel and Freys Channel.

Plans of the proposal are attached to this notice.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant will be required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal. As stated above, the applicant has indicated the purpose of the project is to dispose of dredge material generated in order to foster vessel safety within the Lake. The applicant has submitted an alternatives analysis which is currently being reviewed.

MITIGATION PLAN: To offset impacts associated with the project, the applicant proposes to use the DMRA to create 23.5 acres of wetland. This wetland would be located immediately south of existing wetlands. The Corps will make a determination of appropriate mitigation upon review of all submitted information.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined some of the proposed dredging activity would occur within the viewshed of the Grand Lake St. Mary's Northwood Lighthouse, a property listed on the Register. However, the proposed project would have no effect on this listed property as the project would not permanently change to character or viewshed of the listed property. A copy of this public notice will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

THREATENED & ENDANGERED SPECIES: The project is located within the known or historic range of the following candidate, threatened, or endangered species:

Indiana bat (E)
bald eagle (T)

The Huntington District has determined that the project would have no effect on the Indiana bat as the project would not involve the removal of any trees. During coordination for the project with USFWS through an email dated May 15, 2007, the Huntington District has determined the project as proposed may affect, not likely to adversely affect the bald eagle. This public notice serves as a request to the USFWS for any additional information they may have on whether any federally listed or proposed species may be present in the area which would be affected by the activity. This information will be used to assist the Huntington District in making final effect-determinations pursuant to Section 7(a)(2) of the Federal Endangered Species Act of 1973 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U.S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species,

historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

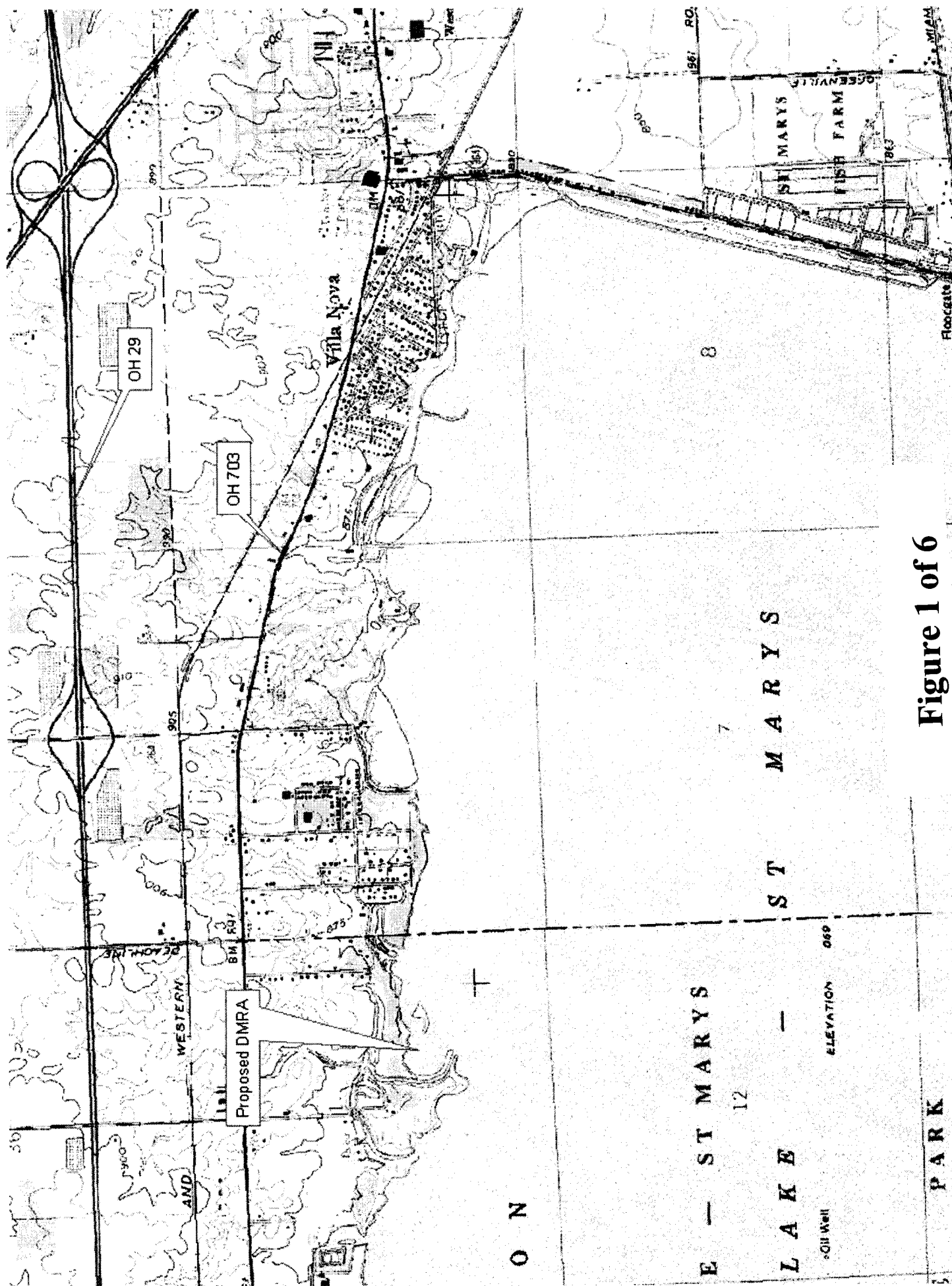
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Mr. Jim Spence
North Regulatory Section, CELRH-OR FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

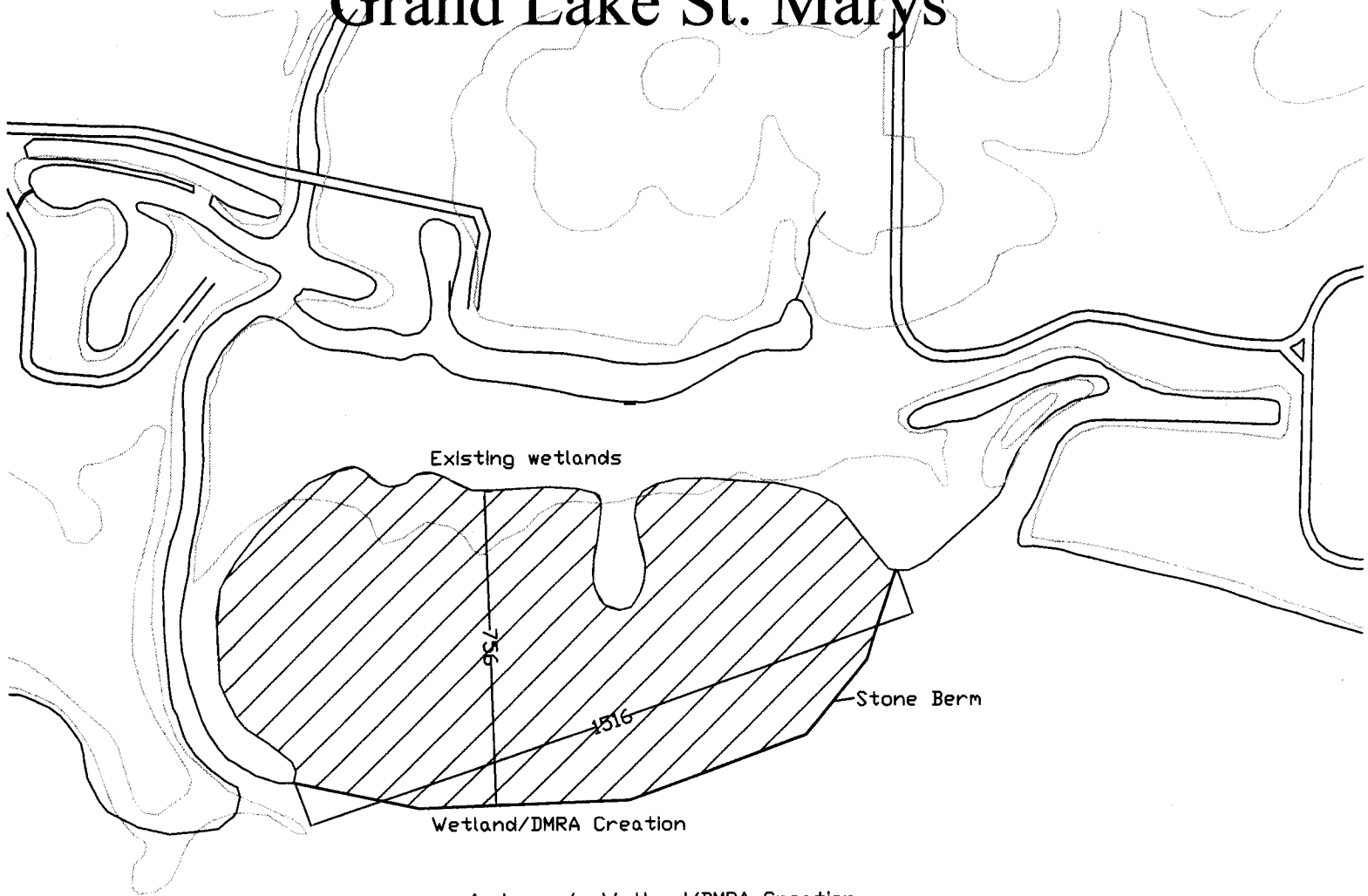
Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Jim Spence of the North Regulatory Section at 304-399-5210.


Ginger Mullins
Chief, Regulatory Branch

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Grand Lake St. Marys



Grand Lake

Anderson's Wetland/DMRA Creation

Wetland will be approx 23.5 acres in size.
Approx. 4' of material will be placed in the area to create the wetland.
@ 4' the area will hold approx. 152,000 cubic yards

Stone Berm Protection: 1700' of Protection @ 5' below DHW.
= Approx. 9,400 cubic yards of clean broken concrete below DHW.
Approx. 1.5 acre of lake bottom covered with berm.

Approx. 11,500 cubic yards of clean broken concrete for entire berm.

Figure 2 of 6

Proposed Windy Point West Dredge Project

Ohio Department of Natural Resources
Division of Parks and Recreation



NORTH

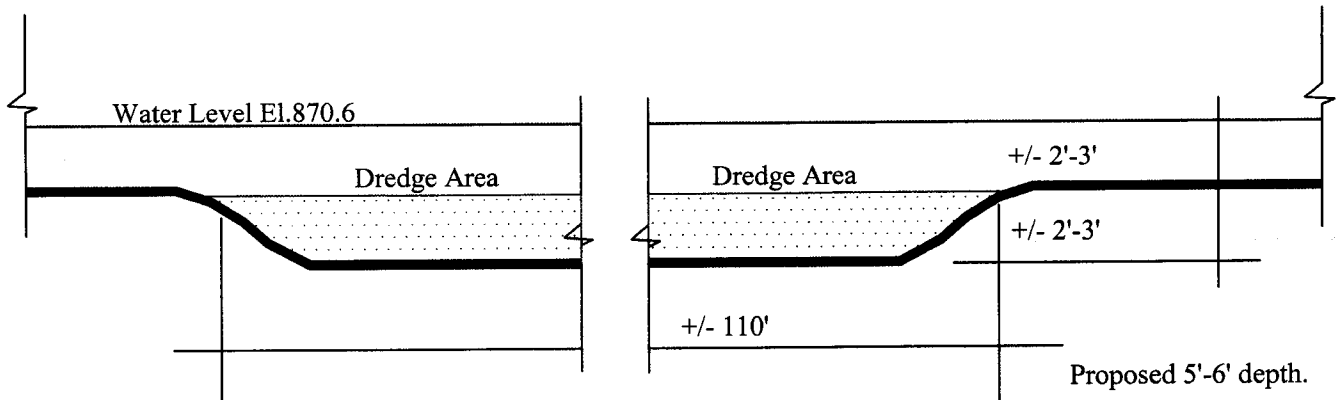
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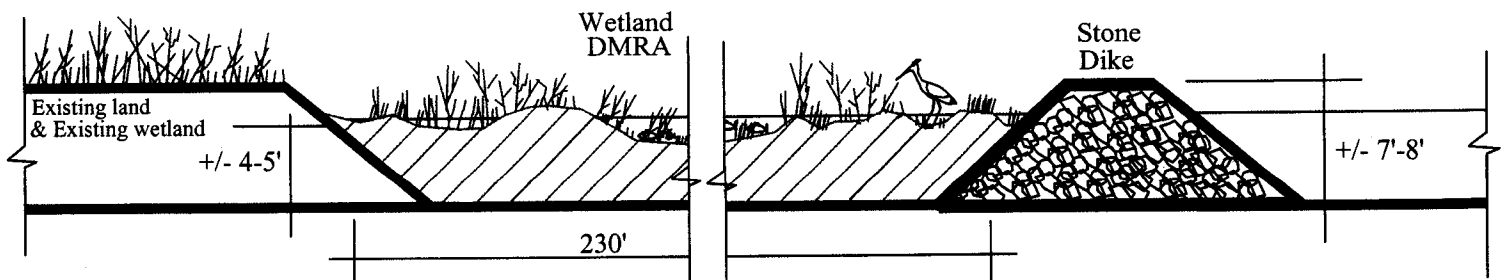
Proposed Activity: Maintenance Dredge
Waterway: Grand Lake St. Marys
Address: 834 Edgewater Dr., St. Marys, Oh 45885
County: Mercer / Auglaize
Date: February 2007

Figure 3 of 6

Typical Dredge Area Dredge Area



Wetland Creation In-Lake Relocation Area Section B-B

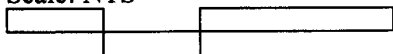


Note: The dike will have openings created after the project is completed to allow water transfer from the lake to the wetland.

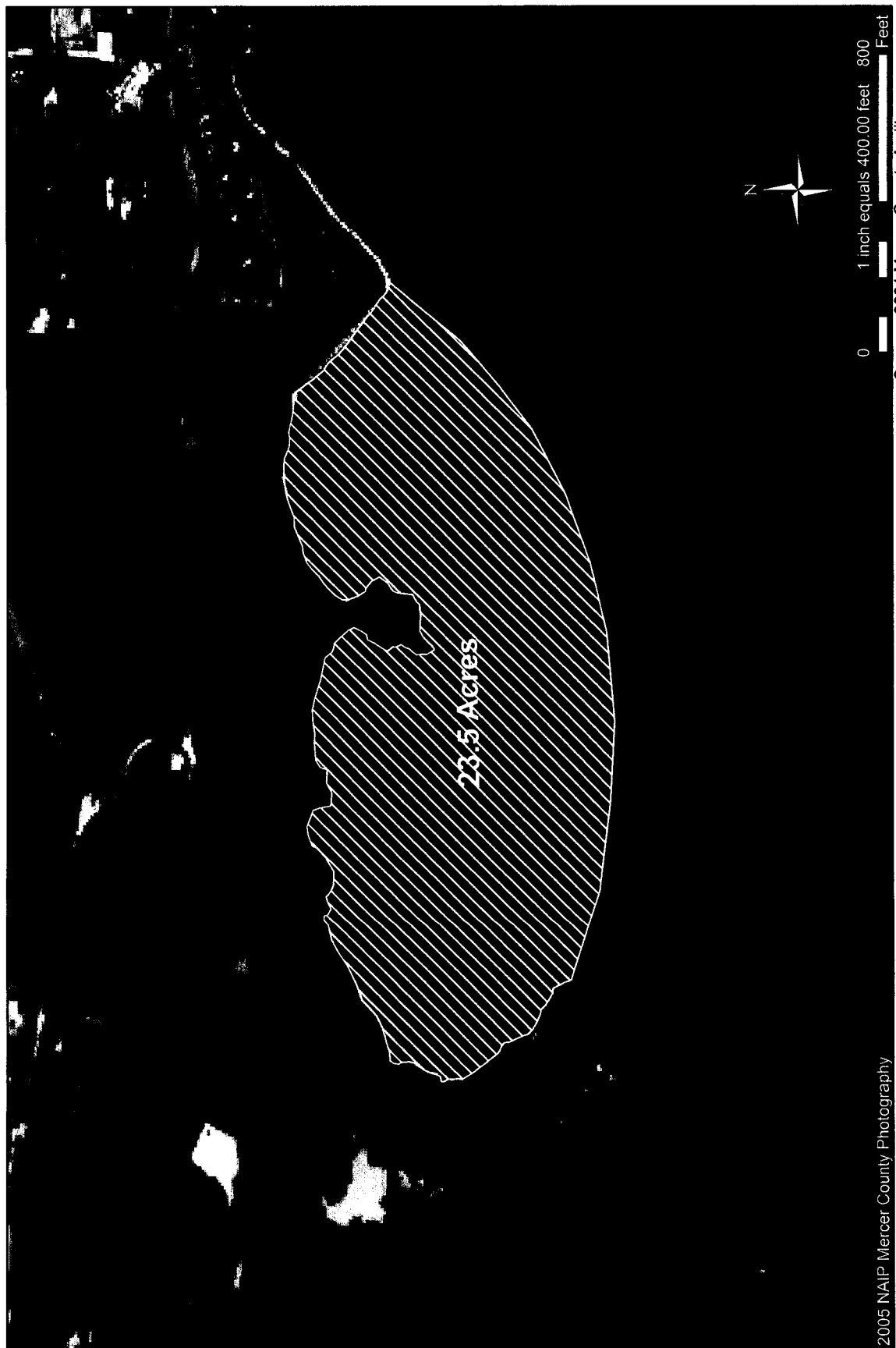
Anderson's Wetland / DMRA Creation

Ohio Department of Natural Resources
Division of Parks and Recreation

Scale: NTS



Proposed Activity: Wetland / DMRA Creation
Waterway: Grand Lake St. Marys
Address: 834 Edgewater Dr., St. Marys, Oh 45885
County: Mercer / Auglaize
Date: March 2007



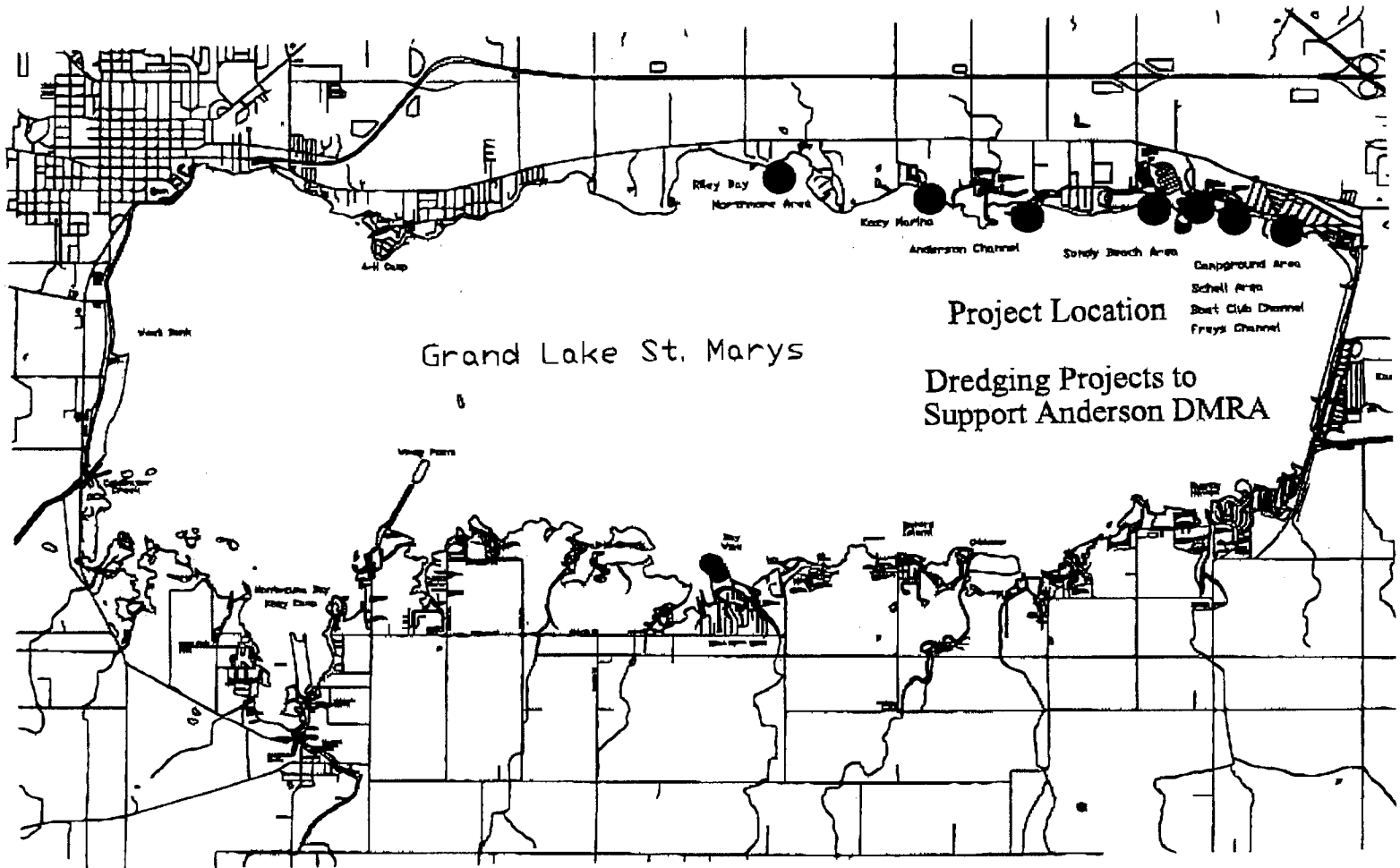
Anderson's Wetland / DMRA Creation

Figure 4 of 6

Figure 5 of 6

Grand Lake St. Marys

Project Location



Anderson's Wetland / DMRA Creation Project

Ohio Department of Natural Resources
Division of Parks and Recreation

Scale: NTS



NORTH

Proposed Activity: Maintenance Dredge

Waterway: Grand Lake St. Marys

Address: 834 Edgewater Dr., St. Marys, Oh 45885

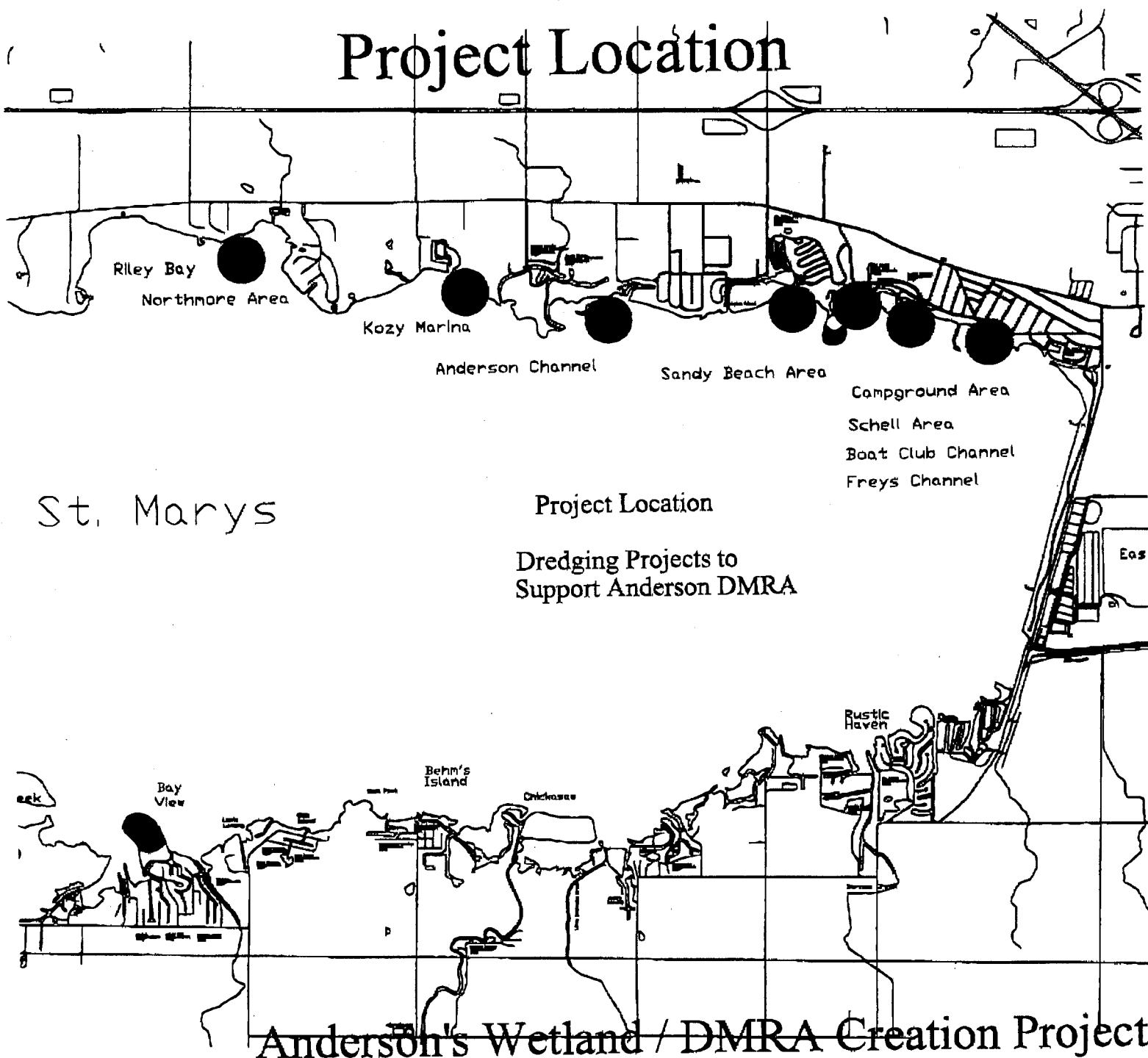
County: Mercer / Auglaize

Date: Mayplot 2007

Figure 6 of 6

Grand Lake St. Marys

Project Location



Ohio Department of Natural Resources
Division of Parks and Recreation

Scale: NTS



NORTH

Proposed Activity: Maintenance Dredge

Waterway: Grand Lake St. Marys

Address: 834 Edgewater Dr., St. Marys, Oh 45885

County: Mercer / Auglaize

Date: Mayplot 2007